

REMARKS

The Official Action dated January 29, 2008 has been carefully considered. Reconsideration is respectfully requested in light of the amendments and remarks presented herein.

Claims 1-21 and 24-27 remain canceled by prior Amendment. Claim 39 is canceled by present amendment. Claims 22, 28, 30, 41 and 43 are herein amended. Support for the amendments can be found in the specification and drawings as originally filed. It is believed that these amendments do not involve introduction of new matter, and entry is accordingly believed to be in order and is respectfully requested. Claims 22-23, 28-38, and 40-51 accordingly remain in the present application and are believed to be in condition for allowance. Reconsideration is respectfully requested.

Applicants thank the Examiner for his indication that dependent claim 39 would be allowable if rewritten in independent form. Applicants have rewritten independent claim 28 to include the elements of claim 39, and have canceled claim 39 accordingly. Allowance of claim 28 is respectfully requested.

In the Official Action dated January 29, 2008, claims 28-30 and 36-38 were rejected under 35 U.S.C. § 102(b) as being anticipated by Wilson (U.S. Patent No. 4,230,246). Claims 22, 23, and 31-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wilson in view of Fukushima et al. (U.S. Patent Application Publication No. 2001/0052712) and further in view of Pilliod (U.S. Patent No. 5,484,198). Claims 40-51 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wilson in view of Fukushima et al. and in further view of Pilliod and Felix (U.S. Patent No. 6,155,625).

As the Examiner has indicated that dependent claim 39 would be allowable if rewritten into independent form, and as Applicants have herein rewritten independent claim 28, from which dependent claim 39 had directly depended, to include the elements of now canceled claim 39, Applicants submit that the rejection of independent claim 28 has been overcome. Claims 29-38 and 40 are allowable as being dependent upon an allowable base claim. Applicants accordingly respectfully request allowance of claims 29-38 and 40.

In the Official Action dated August 21, 2007, the Examiner had indicated that claims 22 and 23 would be allowable if rewritten into independent form. Applicants effected such amendment in response to that Official Action, though claims 22 and 23 presently stand rejected by the Examiner. It is unclear to Applicants why claims 22 and 23 are not deemed allowable, for at least the reasons presented in Paragraph 5 of the Official Action dated August 21, 2007, in which Paragraph the Examiner conceded that he had found no motivation or teaching in the art of record to satisfy claims 22 and 23. In the present Official Action, with respect to claims 22 and 23, the Examiner now contends that portions of Wilson can be considered recessed regions, and apparently objects to use of the term “recessed region” in the claims. However, the Examiner seems to be comfortable with use of “recess” in lieu of “recessed region”, as indicated in Paragraph 7 of the present Official Action. Accordingly, Applicants now amend independent claim 22 to recite first and second recesses instead of first and second recessed regions. Therefore, in addition to the reasons set forth in previous communications by Applicants, neither Wilson nor Fukushima et al., alone or in any arguable combination, teach or suggest the vehicles of claims 22 and 23, which depends from claim 22. Applicants accordingly respectfully request allowance of claims 22 and 23.

The Examiner has rejected independent claim 41 as being unpatentable over Wilson in view of Fukushima et al. and in further view of Pilliod and Felix (U.S. Patent No.

6,155,625). Applicants herein amend claim 41 to recite first, second, and third recesses instead of first, second, and third recessed regions. In Paragraph 7 of the Official Action dated January 29, 2008, the Examiner concedes that he finds no teaching or motivation for providing distinct recesses in three different regions of the Wilson device in order to maintain the support member in three different positions. Wilson accordingly does not teach or suggest a pickup truck including a support member adapted to support a spare tire and comprising a flange, the support member being movable with respect to a first shell among a first position in which the flange engages a first recess in a support structure, a second position in which the flange engages the second recess in the support structure, and a third position in which the flange engages the third recess in the support structure, as recited, among other features, in claim 41. Neither Fukushima et al., Pilliod, nor Felix resolves the deficiencies of Wilson in this regard. Applicant accordingly respectfully submits that independent claim 41 is in condition for allowance. Claims 42-51 are allowable as being dependent upon an allowable base claim. Applicants accordingly respectfully request allowance of claims 41-51.

For at least the reasons set forth above, Applicants respectfully request early allowance of claims 22-23, 28-38, and 40-51. The Examiner is hereby invited to contact Applicants' undersigned counsel by telephone at (513) 698-5148 if the Examiner determines that such might expedite prosecution of the present application.

Respectfully submitted,

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